

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

02-CA-160049

9/14/15

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Laurino Enterprises d/b/a McDonald's, 1883 Atlantic Avenue, Brooklyn, NY 11233 & McDonald's USA LLC, One McDonald's Plaza, Oak Brook, IL 60523 as Joint or Single Employer		b. Tel. No. 718-953-5864
d. Address (Street, city, state, and ZIP code) McDonald's, 1883 Atlantic Avenue, Brooklyn, NY 11233 & McDonald's USA LLC, One McDonald's Plaza, Oak Brook, IL 60523		c. Cell No.
e. Employer Representative (b) (6), (b) (7)(C) Gloria Santana, Executive VP, General Counsel, and Secretary, McDonald's Corporation		f. Fax No.
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant		g. e-Mail
j. Identify principal product or service Food service		h. Number of workers employed Approx. 50

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On a date within the last six months the above-named employer has unlawfully interfered with, restrained and coerced employees in the exercise of their rights under the Act, by engaging in the following conduct in response to employee protected activity:

- About June 2015, stating to employees that they could not speak with Union representatives;
- About June 2015, promulgating a work rule that employees could not take breaks in the lobby;
- About (b) (6), (b) (7)(C) 2015, terminating employees (b) (6), (b) (7)(C) in retaliation for their protected concerted and union activity.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Fast Food Workers Committee

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(signature of representative of person making charge)

Ceilidh Gao, Attorney

(Print/type name and title or office, if any)

Tel. No.

212-627-8100

Office, if any, Cell No.

Fax No.

212-627-8182

e-Mail

cgao@levyratner.com

Address Levy Ratner, P.C., 80 Eighth Avenue Floor 8, New York, NY 10011-5126

9/14/15

(date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

REGION 2 – DOCKET SHEET (CHARGE AGAINST EMPLOYER)

Case name: Lauino Enterprises d/b/a McDonald's 1883 Atlantic Ave, Brooklyn et al

Method of Receipt:	Visit		Written (fax or mail)	<input checked="" type="checkbox"/>
IO Assisted	Yes		No	<input checked="" type="checkbox"/>
IO Inquiry # on charge				<input checked="" type="checkbox"/>

Assigned to:	Supervisor	<u>Dunham</u>	Agent	
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Dispute Location:	City	<u>Brooklyn</u>	State	<u>N.Y.</u>
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ALLEGATIONS: (See Back)

BARGAINING STATUS (Check One)

Existing Contract		None	
Expired Contract		Organizing Campaign	<input checked="" type="checkbox"/>
Initial Contract		Succeeding Contract	

No. of 8(a)(3) discriminatees	
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Date Filed (Action Disposition Date)	<u>9/19/15</u>
IA Category	<u>3</u>
10(j) (check if applicable)	<input checked="" type="checkbox"/>

RELATED CASES (Related on case level and Investigation Action unless otherwise noted)	<u>Numerous charges</u>
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BLOCKS R CASE NUMBER: (Relate on case level and Investigation Action unless otherwise noted)	
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COMMENT:

SECTION	ALLEGATION	APPLICABLE?
8(a)(1)	Coercive Actions (Surveillance, etc.)	
	Coercive Rules	X
	Coercive Statements (Threats, Promises of Benefits, etc.)	
	Coercive Activities (Retaliation, Discharge, Discipline)	
	Denials of Access	
	Discharge of supervisor (Parker-Robb Chevrolet)	
	Interrogation (including Polling)	
	Lawsuits	
	Weingarten	
8(a)(2)	Assistance	
	Domination	
	Unlawful Recognition	
8(a)(3)	Change in Terms and Conditions of Employment	
	Discharge (Including Layoff and Refusal to Hire (not salting))	X
	Discipline	
	Lockouts	
	Refusal to Consider/Hire Applicant (salting only)	
	Refusal to Hire Majority	
	Refusal to Reinstatement Employee/Striker (e.g. Laidlaw)	
	Retaliatory Lawsuits	
	Shutdown or Relocate/Shutdown Unit Work	
	Union Security Related Actions	
8(a)(4)	Changes and Terms of Conditions in Employment	
	Discharge (Including Layoff and Refusal to Hire)	
	Discipline	
	Refusal to Reinstatement Employee/Striker	
	Shutdown or Relocate/Subcontract Unit Work	
8a(5)	Alter Ego	
	Failure to Sign Agreement	
	Refusal to Bargain/Bad Faith Bargain (including surface bargaining/direct dealing)	
	Refusal to Furnish Information	
	Refusal to Recognize	
	Repudiation/Modification of Contract (Sec. 8(d)/Unilateral Changes)	
	Shutdown or Relocation (e.g. First National Maint.) Subcontract Work	
8(e)	All Allegations against an Employer	

2/23/2015

LEVY RATNER, P.C.
80 Eighth Avenue
Floor 8
New York, NY 10011-7175

(212) 627-8100 phone
(212) 627-8182 fax

FACSIMILE

TO: Hon. Karen P. Fernbach, Esq.
Regional Director
National Labor Relations Board Region 2

FAX NO. (212) 264-2450

PHONE NO. (212) 264-0300

FROM: Ceilidh Gao

SUBJECT: Fast Food Workers Committee and McDonald's
(McDonald's - 1883 Atlantic Avenue - Brooklyn)

Our Matter ID 521-001-00039

DATE: September 14, 2015

MESSAGE: Charge for filing

NUMBER OF PAGES TO FOLLOW **2**

(If transmission is incomplete, please call Ceilidh B. Gao at (212) 627-8100.)

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Richard A. Levy
Daniel J. Ratner
Daniel Engelstein*
Gwynne A. Wilcox*
Pamela Jeffrey
Kevin Finnegan
Carl J. Levine*
David Slutsky*
Allyson L. Belovin
Suzanne Hepner*
Richard Dorn
Robert H. Stroup
Dana E. Lossia*
Susan J. Cameron*
Micah Wissinger*
Ryan J. Barbur
Alexander Rabb

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Laureve D. Blackstone*
Jorge A. Cisneros
Kimberly A. Lehmann*
Aleksandr L. Felstiner
Angelica M. Cesario*
Ceilidh B. Gao



September 14, 2015

BY FACSIMILE AND
FIRST-CLASS MAIL

Hon. Karen P. Fernbach, Esq.
Regional Director
National Labor Relations Board Region 2
26 Federal Plaza, Room 3614
New York, NY 10278-0104

Re: Fast Food Workers Committee and McDonald's
(McDonald's - 1883 Atlantic Avenue - Brooklyn)

Dear Regional Director Fernbach:

Enclosed is a charge to be filed on behalf of Fast Food Workers Committee, against Laurino Enterprises d/b/a McDonald's and McDonald's USA, LLC as joint or single employer, alleging violations of Section 8(a)(1) and (3) of the Act.

Please file this charge and have the Board agent assigned to this case contact me regarding further processing of the charge.

Thank you.

Very truly yours,

Ceilidh Gao

Enclosures

521-001-00039: 10590334.doc



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
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Mobile App

September 16, 2015

(b) (6), (b) (7)(C)

Laurino Enterprises d/b/a McDonald's
1883 Atlantic Ave
Brooklyn, NY 11233-3045

Gloria Santona, Executive Vice President &
General Counsel, and Secretary
McDonald's USA, LLC
One McDonald's Place
Oak Brook, IL 60523

Re: Laurino Enterprises d/b/a McDonalds 1883
Atlantic Avenue Brooklyn NY 11233 &
McDonalds USA LLC One McDonalds
Plaza Oak Brook IL 60523 as Joint or Single
Employer
Case 02-CA-160049

Dear **(b) (6), (b) (7)(C)** Ms. Santona:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Senior Field Attorney RUTH WEINREB whose telephone number is (212)264-0314. If this Board agent is not available, you may contact Deputy Regional Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0336.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this

Laurino Enterprises d/b/a McDonalds 1883 - 2 -
Atlantic Avenue Brooklyn NY 11233 &
McDonalds USA LLC One McDonalds
Plaza Oak Brook IL 60523 as Joint or Single
Employer
Case 02-CA-160049

proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will

Laurino Enterprises d/b/a McDonalds 1883 - 3 -
Atlantic Avenue Brooklyn NY 11233 &
McDonalds USA LLC One McDonalds
Plaza Oak Brook IL 60523 as Joint or Single
Employer
Case 02-CA-160049

continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive, flowing style.

KAREN P. FERNBACH
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAMELaurino Enterprises d/b/a McDonalds 1883 Atlantic Avenue Brooklyn NY 11233
& McDonalds USA LLC One McDonalds Plaza Oak Brook IL 60523 as Joint or
Single Employer**CASE NUMBER**

02-CA-160049

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods
valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems,
newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If
less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate
amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who
purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate
amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points
outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register.

71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**LAURINO ENTERPRISES D/B/A MCDONALDS
1883 ATLANTIC AVENUE BROOKLYN NY
11233 & MCDONALDS USA LLC ONE
MCDONALDS PLAZA OAK BROOK IL 60523
AS JOINT OR SINGLE EMPLOYER**

Case 02-CA-160049

Charged Party

and

FAST FOOD WORKERS COMMITTEE

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on , I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Laurino Enterprises d/b/a McDonald's
1883 Atlantic Ave
Brooklyn, NY 11233-3045

Gloria Santona, Executive Vice President &
General Counsel, and Secretary
McDonald's USA, LLC
One McDonald's Place
Oak Brook, IL 60523

September 16, 2015

Date

D. Mahr, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
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September 16, 2015

FAST FOOD WORKERS COMMITTEE

(b) (6), (b) (7)(C)

Re: Laurino Enterprises d/b/a McDonalds 1883
Atlantic Avenue Brooklyn NY 11233 &
McDonalds USA LLC One McDonalds
Plaza Oak Brook IL 60523 as Joint or Single
Employer
Case 02-CA-160049

Dear Sir or Madam:

The charge that you filed in this case on September 14, 2015 has been docketed as case number 02-CA-160049. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Senior Field Attorney RUTH WEINREB whose telephone number is (212)264-0314. If this Board agent is not available, you may contact Deputy Regional Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0336.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

Laurino Enterprises d/b/a McDonalds 1883 - 2 -
Atlantic Avenue Brooklyn NY 11233 &
McDonalds USA LLC One McDonalds
Plaza Oak Brook IL 60523 as Joint or Single
Employer
Case 02-CA-160049

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

KAREN P. FERNBACH
Regional Director

cc: Ceilidh Gao, ESQ.
Levy Ratner, P.C.
80 Eighth Ave FL 8
New York, NY 10011

Agent: [AGENT NAME AND TITLE]

[illegible]

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

LAURINO ENTERPRISES D/B/A MCDONALDS
1883 ATLANTIC AVENUE BROOKLYN NY
11233 & MCDONALDS USA LLC ONE
MCDONALDS PLAZA OAK BROOK IL 60523
AS JOINT OR SINGLE EMPLOYER

Case 02-CA-160049

Charged Party

and

FAST FOOD WORKERS COMMITTEE

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on , I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Laurino Enterprises d/b/a McDonald's
1883 Atlantic Ave
Brooklyn, NY 11233-3045

Gloria Santona, Executive Vice President &
General Counsel, and Secretary
McDonald's USA, LLC
One McDonald's Place
Oak Brook, IL 60523

September 16, 2015

Date

D. Mahr, Designated Agent of NLRB

Name



Signature

From: [Weinreb, Ruth](#)
To: ["cgao@levyratner.com"](mailto:cgao@levyratner.com)
Subject: Laurino Enterprises
Date: Monday, September 21, 2015 9:32:00 AM

Ceilidh: I am available this afternoon or this Thursday, Sept 24, to take a statement from your witnesses. Please let me know what works.

Thanks.

Ruth Weinreb
Attorney
National Labor Relations Board
Region 2
26 Federal Plaza, Room 3614
New York, NY 10278
Tel: 212-264-0314 Fax: 212-264-2450
Email: ruth.weinreb@nrlrb.gov

From: [Weinreb, Ruth](#)
To: ["Cara A. O'Sullivan"](#)
Subject: RE: Laurino Enterprises
Date: Monday, September 21, 2015 9:41:00 AM

Thanks.

From: Cara A. O'Sullivan [mailto:cosullivan@kbrlaw.com]
Sent: Monday, September 21, 2015 9:37 AM
To: Weinreb, Ruth
Cc: Matthew C. Berger
Subject: RE: Laurino Enterprises

I am not aware of it. I will reach out to the client and let you know.

Cara A. O'Sullivan | **KAUFMAN BORGEEST & RYAN LLP**
120 Broadway | New York, NY 10271
direct: 646.367.6718 | fax: 212.980.9291
[vcard](#) | [email](#) | [website](#)

From: Weinreb, Ruth [<mailto:Ruth.Weinreb@nrlb.gov>]
Sent: Monday, September 21, 2015 9:36 AM
To: Cara A. O'Sullivan
Subject: Laurino Enterprises

Hi Cara. I do not know if you are aware of a new charge, 2-CA-160049, that was filed by the Fast Food Committee against your client, Laurino Enterprises d/b/a McDonalds and McDonalds USA. Are you representing Laurino in this matter? I am investigating the charge and would like to discuss the matter with you, if you are still representing Laurino? Please get back to me soon.

Thanks.

Ruth Weinreb
Attorney
National Labor Relations Board
Region 2
26 Federal Plaza, Room 3614
New York, NY 10278
Tel: 212-264-0314 Fax: 212-264-2450
Email: ruth.weinreb@nrlb.gov

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From: [Weinreb, Ruth](#)
To: ["Ceilidh B. Gao"](#)
Subject: RE: Laurino Enterprises
Date: Wednesday, September 30, 2015 3:13:00 PM

Sorry that I didn't get back to you sooner. I was out of the office. I am available tomorrow, Thursday morning, early. I am also available next week on Weds and Thurs, October 7 and 8th. I know you have a few witnesses in this case. I hope some of these dates will work for all the witnesses. Please let me know if we need to find alternative dates.

Thanks.
Ruth

From: Ceilidh B. Gao [mailto:cgao@levyratner.com]
Sent: Monday, September 28, 2015 10:17 AM
To: Weinreb, Ruth
Subject: RE: Laurino Enterprises

Hi Ruth, Lisa told me that (b) (6), (b) (7)(C) wasn't able to make it. What times are you available this week or the next for an affidavit? Thanks so much,

Ceilidh

From: Weinreb, Ruth [mailto:Ruth.Weinreb@nlrb.gov]
Sent: Thursday, September 24, 2015 10:39 AM
To: Ceilidh B. Gao
Subject: RE: Laurino Enterprises

Thanks for this information.

From: Ceilidh B. Gao [mailto:cgao@levyratner.com]
Sent: Thursday, September 24, 2015 10:09 AM
To: Weinreb, Ruth
Subject: RE: Laurino Enterprises

Hi Ruth, Thanks for speaking with me on the phone, just confirming that (b) (6), (b) (7)(C) will be coming in (b) (6), (b) (7)(C) Organizer Lisa Delancey is able to drop (b) off after all, though I don't think she will be staying the duration.

(b) (6), (b) (7)(C) will be able to testify as to a day in June when organizer Lisa Delancey was speaking about the Union with four workers, including (b) (6), (b) (7)(C) in the lobby. After about five or ten minutes, (b) (6), (b) (6), came out and told the group not to speak to the organizer. (b) (6), (b) (7)(C) stated that Organizer Delancey couldn't speak to workers even when they were on break, and that workers couldn't eat lunch in the lobby anymore whereas previously this had been a common practice. Then (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2015, (b) (6), (b) (7)(C) was terminated. The (b) (6), (b) (7)(C) who spoke with Delancey - (b) (6), (b) (7)(C) (who will also be coming in) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (who are not

interested in testifying) were also all terminated - I believe on the same day. The stated reason for termination was that (b) (6), (b) (7)(C) had called out (b) (6), (b) (7)(C) was at the hospital) and later that day, (b) (6), (b) (7)(C) saw (b) (6), (b) (7)(C) at or near the store. However, (b) (6), (b) (7)(C) states that people often come to the store after calling out for the day, for example, to get friends or to get their paychecks.

Please let me know if I can provide any other information.

From: Weinreb, Ruth [<mailto:Ruth.Weinreb@nlrb.gov>]
Sent: Tuesday, September 22, 2015 4:38 PM
To: Ceilidh B. Gao
Subject: Re: Laurino Enterprises

I will only be able to see one witness on Thursday. And as I mentioned in my earlier email, I am available at 2 with some flexibility a few minutes either way. Let me know if this works.

Ruth

Sent from my iPhone

On Sep 22, 2015, at 3:13 PM, Ceilidh B. Gao <cgao@levyratner.com> wrote:

Hi Ruth, This Thursday should work, we are just confirming times. Are you free all day Thursday?

From: Ceilidh B. Gao
Sent: Monday, September 21, 2015 9:58 AM
To: 'Weinreb, Ruth'
Subject: RE: Laurino Enterprises

Thanks Ruth, I will let you know shortly.

From: Weinreb, Ruth [<mailto:Ruth.Weinreb@nlrb.gov>]
Sent: Monday, September 21, 2015 9:33 AM
To: Ceilidh B. Gao
Subject: Laurino Enterprises

Ceilidh: I am available this afternoon or this Thursday, Sept 24, to take a statement from your witnesses. Please let me know what works.

Thanks.

Ruth Weinreb
Attorney
National Labor Relations Board
Region 2
26 Federal Plaza, Room 3614
New York, NY 10278
Tel: 212-264-0314 Fax: 212-264-2450

Email: ruth.weinreb@nllrb.gov

From: [Ceilidh B. Gao](#)
To: [Weinreb, Ruth](#)
Subject: RE: Laurino Enterprises charge
Date: Thursday, October 8, 2015 9:57:31 AM

Yes, both witnesses are working. I know that next week (b) (6), (b) (7)(C) only has (b) (6), (b) (7)(C) off, I will see about (b) (6), (b) (7)(C) and the week after.

I will be in touch regarding an outline of evidence.

From: Weinreb, Ruth [<mailto:Ruth.Weinreb@nlrb.gov>]
Sent: Wednesday, October 07, 2015 7:12 PM
To: Ceilidh B. Gao
Subject: Re: Laurino Enterprises charge

Hi Ceilidh. Unfortunately, next (b) (6), (b) (7)(C) will not work. Are any of the witnesses available next Tuesday or Thursday? Are they working? What other days are good? Is it possible for you to send me, by email, an outline of the evidence I will be receiving from your witnesses and the details of the allegations?

Thanks.
Ruth

Sent from my iPhone

On Oct 7, 2015, at 1:10 PM, Ceilidh B. Gao <cgao@levyratner.com> wrote:

Hi Ruth, Thanks so much for your attention to this charge. I got in touch with (b) (6), (b) (7)(C) who apologizes for the delay in scheduling due to (b) (6), (b) (7)(C) work schedule. (b) (6), (b) (7)(C) is available (b) (6), (b) (7)(C). Do you have any time then? (b) (6), (b) (7)(C) is also available (b) (6), (b) (7)(C), which I imagine isn't ideal for you but is an option. Just let me know if this timeline requires that we refile.

(b) (6), (b) (7)(C) cannot recall an incident that the Employer's allegation would refer to. When does the Employer allege this happened? The stated rationale for (b) (6), (b) (7)(C) termination was that (b) (6), (b) (7)(C) called out but was available to work, and for (b) (6), (b) (7)(C) termination, the stated reason was that (b) (6), (b) (7)(C) had falsified records and failed to listen to a manager's instructions. They both had meetings with management where (b) (6), (b) (7)(C) stated the reason they were being terminated.

I will be in touch regarding the second witness.

From: Weinreb, Ruth [<mailto:Ruth.Weinreb@nlrb.gov>]
Sent: Wednesday, October 07, 2015 12:27 PM
To: Ceilidh B. Gao
Subject: Laurino Enterprises charge

Hi. Any possibility of having a witness available tomorrow? Are you still having

problems getting the witnesses to cooperate? Perhaps you should withdraw the charge and refile within 10(b) when the witnesses are willing to participate. Also, the Employer has informed me that the two discriminatees were discharged for starting a physical altercation with another employee. Are you aware of this claim? Let me know how you want to proceed.

Thanks.

Ruth Weinreb
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National Labor Relations Board
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26 Federal Plaza, Room 3614
New York, NY 10278
Tel: 212-264-0314 Fax: 212-264-2450
Email: ruth.weinreb@nllrb.gov

From: [Cara A. O'Sullivan](#)
To: [Weinreb, Ruth](#)
Subject: RE: Laurino Enterprise
Date: Friday, October 9, 2015 2:44:32 PM

Hi Ruth: I have been trying get my client on the phone to discuss this, but we keep missing each other. I hope to connect with him next week to get information for you.

Have a good weekend.

Cara A. O'Sullivan | KAUFMAN BORGEEST & RYAN LLP
120 Broadway | New York, NY 10271
direct: 646.367.6718 | fax: 212.980.9291
cosullivan@kbrlaw.com | www.kbrlaw.com

-----Original Message-----

From: Weinreb, Ruth [<mailto:Ruth.Weinreb@nlrb.gov>]
Sent: Wednesday, October 07, 2015 7:17 PM
To: Cara A. O'Sullivan
Subject: Laurino Enterprise

Hi Cara. Since there appears to be a dispute concerning the reasons for the discharge of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) I will need probative evidence from the Employer regarding its reason for the discharges. In this regard, I would like to take a statement from (b) (6), (b) (7)(C) at the time of the discharge. Please let me know if you were able to obtain additional information regarding the charge and whether or not I can take the statement from (b) (6), (b) (7)(C)

Thank you.
Ruth

Sent from my iPhone

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From: [Ceilidh B. Gao](#)
To: [Weinreb, Ruth](#)
Subject: RE: McDonald's witnesses
Date: Monday, October 19, 2015 3:57:56 PM

Thanks Ruth. I will check in later this week.

From: Weinreb, Ruth [<mailto:Ruth.Weinreb@nllrb.gov>]
Sent: Monday, October 19, 2015 3:57 PM
To: Ceilidh B. Gao
Subject: RE: McDonald's witnesses

Will I be meeting with witnesses this week? I can appreciate the difficulty in scheduling affidavit, but we need to proceed with the investigation. If you are unable to produce witnesses this week, please let me know if you are withdrawing the charge. You can always refile within our 6 months statute of limitations period.

Thanks.
Ruth

From: Ceilidh B. Gao [<mailto:cgao@levyratner.com>]
Sent: Wednesday, October 14, 2015 10:19 AM
To: Weinreb, Ruth
Subject: RE: McDonald's witnesses

I haven't heard back from the witnesses, unfortunately. I will let you know if I do. To confirm, your current availability is today, Thursday 10/15 and Monday 10/19, Tuesday 10/20 and Wednesday 10/21 correct? Thanks so much

From: Weinreb, Ruth [<mailto:Ruth.Weinreb@nllrb.gov>]
Sent: Wednesday, October 14, 2015 9:49 AM
To: Ceilidh B. Gao
Subject: McDonald's witnesses

Hi Ceilidh. Any luck in finding out if one of the witnesses is available today? Please let me know.

Ruth Weinreb
Attorney
National Labor Relations Board
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26 Federal Plaza, Room 3614
New York, NY 10278
Tel: 212-264-0314 Fax: 212-264-2450
Email: ruth.weinreb@nllrb.gov

From: [Ceilidh B. Gao](#)
To: [Weinreb, Ruth](#)
Subject: RE: Laurino Enterprises d/b/a McDonalds 2-CA-160049
Date: Friday, October 30, 2015 10:12:00 AM

The Union will withdraw the charge. Thank you for your time.

From: Weinreb, Ruth [<mailto:Ruth.Weinreb@nrlb.gov>]
Sent: Wednesday, October 28, 2015 7:31 PM
To: Ceilidh B. Gao
Subject: Re: Laurino Enterprises d/b/a McDonalds 2-CA-160049

Ok. Please let me know this Friday.

Ruth

Sent from my iPhone

On Oct 28, 2015, at 6:49 PM, Ceilidh B. Gao <cgao@levyratner.com> wrote:

Hi Ruth, The Union will likely withdraw the charge. I will confirm this Friday. Thank you for your attention to this matter!

From: Weinreb, Ruth [<mailto:Ruth.Weinreb@nrlb.gov>]
Sent: Wednesday, October 28, 2015 2:59 PM
To: Ceilidh B. Gao
Subject: Laurino Enterprises d/b/a McDonalds 2-CA-160049

Ceilidh: To date your efforts to present evidence to support the above charge, which was filed on September 14, 2015, have been unsuccessful. As I previously informed you, the Region cannot keep the investigation open indefinitely while you try to locate witnesses who are available to give statements to the Board. If you are unable to present evidence and/or witnesses to support the allegations set forth in the charge by Wednesday, November 4, 2015, I will recommend to the Regional Director that the charge be dismissed for failure to cooperate. Alternatively, you may want to withdraw the charge now and refile when your witnesses are available. To refile the charge, you must be within our six month statute of limitations period.

Please contact me so that we can discuss this matter further.

Thank you.

Ruth Weinreb
Attorney
National Labor Relations Board
Region 2
26 Federal Plaza, Room 3614
New York, NY 10278

Tel: 212-264-0314 Fax: 212-264-2450
Email: ruth.weinreb@nlrb.gov

10/2 TT Cara O'Sullivan

I explained that I didn't have specific
end. yet she is represented as a person.

8a3-

(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

From: [Lewis, Nicholas H.](#)
To: [Dunham, Geoffrey](#)
Cc: [Weinreb, Ruth](#); [Spratley, Wanda](#)
Subject: RE: Memo of Withdrawal: Laurino Enterprises dba McDonalds 2-CA-160049
Date: Wednesday, November 4, 2015 12:45:18 PM

CP withdrawal request is approved. Final decision by me.

Nicholas H. Lewis
Assistant to the Regional Director
NLRB Region 2
26 Federal Plaza, Rm. 3614
New York, NY 10278

From: Dunham, Geoffrey
Sent: Wednesday, November 04, 2015 10:57 AM
To: Lewis, Nicholas H.
Cc: Weinreb, Ruth; Spratley, Wanda
Subject: FW: Memo of Withdrawal: Laurino Enterprises dba McDonalds 2-CA-160049

RECOMMEND approval of withdrawal request based on lack of cooperation.

From: Weinreb, Ruth
Sent: Wednesday, November 04, 2015 10:46 AM
To: Dunham, Geoffrey
Subject: Laurino Enterprises dba McDonalds 2-CA-160049

WITHDRAWAL MEMO

TO: Nick Lewis, Assistant to the Regional Director
Geoff Dunham, Deputy Regional Attorney

FROM: Ruth Weinreb, FA

DATE: November 4, 2015

CASE Laurino Enterprises d/b/a McDonalds & McDonalds USA LLC

CASE NO: 2-CA-160049

CATEGORY III

On September 14, 2015, the Fast Food Workers Committee, herein Cp, filed the instant

charge alleging that the above named Employers, as Joint Employers, violated Section 8a1 and 3 of the Act by instructing employees that they could not speak to Union reps; by promulgating work rules that employees could not take breaks in the lobby and by discharging (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) in retaliation for the protected concerted and Union activities.

After the filing of the charge, Cp made several attempts to arrange for affidavits with the two 8a3 discriminatees, but their efforts were unsuccessful. Since Cp is unable to provide evidence to support any of the allegations at this time, Cp has requested that the charge be withdrawn.

Under these circumstances, the Region should approve the WD request. Refiling and 10(b) were discussed with CP.

RW

Ruth Weinreb
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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

November 5, 2015

(b) (6), (b) (7)(C)

Laurino Enterprises d/b/a McDonald's
1883 Atlantic Avenue
Brooklyn, NY 11233-3045

Doreen S. Davis, ESQ.
Jones Day
222 East 41st Street
New York, NY 10017-6702

Ilana Yoffe, Esq.
Jones Day
222 E 41st Street
New York, NY 10017-6739

Michael Ferrell, Esq.
Jones Day
77 W Wacker Dr., Suite 3500
Chicago, IL 60601-1643

Re: Laurino Enterprises d/b/a McDonalds 1883
Atlantic Avenue Brooklyn NY 11233 &
McDonalds USA LLC One McDonalds
Plaza Oak Brook IL 60523 as Joint or
Single Employer
Case No. 02-CA-160049

Dear **(b) (6), (b) (7)(C)** Ms. Davis, Ms. Yoffe and Mr. Ferrell:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Karen P. Fernbach

Karen P. Fernbach
Regional Director

Laurino Enterprises d/b/a McDonalds 1883 - 2 -
Atlantic Avenue Brooklyn NY 11233 &
McDonalds USA LLC One McDonalds
Plaza Oak Brook IL 60523 as Joint or Single
Employer
Case No. 02-CA-160049

November 5, 2015

cc: Rice Enterprises, LLC, d/b/a McDonald's
 USA, and McDonald's USA, as a joint or
 single employer
 Attn.: Gloria Santona
 One McDonald's Plaza
 Oak Brook, IL 60523

Alexander Raab, Esq.
Levy Ratner, P.C.
80 Eighth Avenue, 8th Floor
New York, NY 10011

FAST FOOD WORKERS
COMMITTEE
1 Metrotech Center N.
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